

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON AND MAINE CORPORATION, :
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: .
: Plaintiff, .
: .
: .
-v.- : Civil Action No. 05-11656-RCL
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MASSACHUSETTS BAY TRANSPORTATION AUTHORITY :
: .
: .
: Defendant. .
: .
: .

MEMORANDUM OF PLAINTIFF BOSTON AND MAINE CORPORATION IN SUPPORT OF JOINT MOTION FOR EXTENSION OF PHASE I DEADLINES

Plaintiff Boston and Maine Corporation ("B&M") submits this Memorandum in support of B&M's and Defendant Massachusetts Bay Transportation Authority ("MBTA's") (jointly the "Parties") Joint Motion to request that the Court approve the extension of certain Phase I deadlines in the above action. On January 11, 2006 B&M received MBTA's written responses to B&M's discovery requests. B&M received MBTA's document production later in January 2006. After examining MBTA's responses and production, B&M sent a letter to MBTA on February 28, 2006 requesting that the Parties convene a discovery conference as required by Local Rule 37.1 of this Court.

Due to scheduling issues, the discovery conference did not take place until March 21, 2006. The discovery conference may have resolved disputed issues without the need for a

motion to compel. In order to ensure that this is the case, and to have adequate time to receive and review revised information discussed during the discovery conference, as well as take depositions of key witnesses, additional time will be required beyond the current March 31, 2005 deadline for fact discovery. Accordingly, B&M requests that the Court grant the Parties' Joint Motion setting new dates for the close of discovery and the filing of partial summary judgment motions as set forth in the Joint Motion.

Respectfully submitted,

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Dated: March 23, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 23, 2006.

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